IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

FILED

UNITED STATES DISTRICT COURT
SANTA FE, NEW MEXICO

SEP 30 2008

JIMMY KINSLOW,

    Plaintiff,

v.

                                          MATTHEW J. DYKMAN
                                               CLERK
Civ. No. 07-1164 MV/RLP

NEW MEXICO CORRECTIONS
DEPARTMENT, *et al.*,

    Defendants.

ORDER

THIS MATTER comes before the Court on the Magistrate Judge's Report and Recommendation [Doc. 30] and the Supplemental Report and Recommendation [Doc. 39], which was issued as a result of the Plaintiff's filing objections [Doc. 36] and a Motion to Clarify [Doc. 37]. The Magistrate Judge's initial R&R recommended that his Motion for Preliminary Injunction [Doc. 5] and Motion for Emergency Protective Order [Doc. 23] be denied as moot because Plaintiff had been transferred to another facility.

The Magistrate Judge held an evidentiary hearing on August 26, 2008. Plaintiff indicated that the injunctive relief sought was not just against the Las Cruces Defendants but also against the New Mexico Corrections Department and Joe Williams, the Secretary of Corrections and therefore, not all of his claims were mooted by his transfer. The Supplemental R&R indicated that Plaintiff had filed a second Motion for Preliminary Injunction [Doc. 38] and that the Court could not afford Plaintiff relief twice and that the second Motion for Preliminary Injunction [Doc. 38] would supercede the first one [Doc. 5] Defendants filed no objections.

The Court has made a *de novo* review of the record and finds that both the Magistrate Judge's Report and Recommendation and the Supplemental Report and Recommendation should be adopted by the Court.

IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation [Doc. 30] and the Magistrate Judge's Supplemental Report and Recommendation [Doc. 39] are adopted by the Court; and

IT IS FURTHER ORDERED that Plaintiff's Motion for Injunctive Relief [Doc. 5] be denied; and

IT IS FURTHER ORDERED that Plaintiff's Motion to Clarify the Report and Recommendation [Doc. 37] be granted.

IT IS SO ORDERED.

Martha Vázquez
Chief United States District Judge